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Via eFiling Only

Honorable Evelyn Padin, U.S.D.J.
U.S. District Court of New Jersey
MLK Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: C&C Arc Stone Realty, LLC v. Naya Stone, LLC
Docket No. 2:24-cv-07447-EP-JSA

Dear Judge Padin:

Kindly recall that this firm represents the interests of C&C Arc Stone Realty, LLC in the above-referenced matter. We write to Your Honor in response to the letter submitted on behalf of defendants and in response to our letter of yesterday's date.

Consistent with our prior correspondence, Plaintiff concedes neither that the parties are diverse nor that the amount in controversy has been met sufficient for this Court to exercise diversity jurisdiction. Plaintiff asserts removal is attempted for delay purposes as Defendants have failed to pay a Note on its maturity date, which failure is an explicit default under the Lease and provides Landlord right of entry. Landlord filed a simple landlord tenant action in state court.

Setting aside the more nuanced and complex issues surrounding diversity jurisdiction, a critical provision of the Lease Agreement at issue provides this Court a clear avenue to issue a remand Order. Paragraph 14.4 of the Lease provides:

Notwithstanding anything to the contrary contained in this Lease, Landlord reserves the right and option to elect to pursue its claims against Tenant in any forum of Landlord's choosing, including ADR and/or litigation.

[emphasis supplied].

Landlord/Plaintiff chose to pursue this possession action against its Tenant in the Superior Court of New Jersey, Bergen County, Law Division, Special Civil Part and this matter should be remanded to that Court consistent with the Lease terms.

Respectfully submitted,

Wendy M. Crowther

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WMC/eeg

Cc: Honorable Jessica S. Allen, U.S.M.J. (Via E-Filing)
Avram E. Frisch, Esq. (Via E-Filing)